

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Stephen Alan Smith, et al.

Application No.: 10/676,807

Examiner: Stephen J. Castellano

Confirmation No.: 3085

Art Unit: 3781

Filed On: October 1, 2003

For: Ergonomic Disposable Cup Having Improved
Structural Integrity

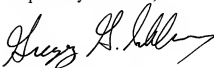
TERMINAL DISCLAIMER TRANSMITTAL

MAIL STOP AMENDMENT
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P.O. Box 1450
Alexandria, VA 22313-1450

Applicant submits herewith Form PTO/SB/25, "Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending 'Reference' Application." This Terminal Disclaimer is submitted to replace the Terminal Disclaimer previously filed on January 19, 2009, in light of the filing of a new Power of Attorney. Since the fee for this Terminal Disclaimer has already been paid, no fee is due under 37 C.F.R. 1.20(d) with respect to the submission of this paper.

Nevertheless, should any fees become necessary, please charge such fee to our Deposit Account No. 19-0733.

Respectfully submitted,



Gregory G. Schlenz, Reg. No. 55,597
Banner & Witcoff, Ltd.
Ten South Wacker Drive, Suite 3000
Chicago, Illinois 60606
312-463-5000

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)
503177.00387In re Application of: **Stephen Alan Smith**Application No.: **10/676,807**Filed: **October 1, 2003**For: **Ergonomic Disposable Cup Having Improved Structural Integrity**

The owner*, Solo Cup Company, a corporation, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 11/101,932, filed on April 8, 2005, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent, granted on the pending reference application; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 55597



Signature

February 24, 2009

Date

Gregory G. Schlenz

Typed or printed name

(312)463-5000

Telephone Number

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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